

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

OCT 28 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

David E. Henderson,

Plaintiff,

v.

Carlos Hidalgo *et al.*,

Defendants.

Civil Action No.

08 1856

MEMORANDUM OPINION

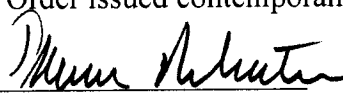
This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant plaintiff's application and dismiss the complaint for lack of subject matter jurisdiction.

The subject matter jurisdiction of the federal district courts is limited and is set forth generally at 28 U.S.C. §§ 1331 and 1332. Under those statutes, federal jurisdiction is available only when a "federal question" is presented or the parties are of diverse citizenship and the amount in controversy exceeds \$75,000. A party seeking relief in the district court must at least plead facts that bring the suit within the court's jurisdiction. *See* Fed. R. Civ. P. 8(a). Failure to plead such facts warrants immediate dismissal of the action. Fed. R. Civ. P. 12(h)(3).

Plaintiff, a resident of El Paso, Texas, sues two individuals in El Paso, as well as an individual in Raleigh, North Carolina, and the Chief of Police of Chicago, Illinois, for billions of dollars in damages for which no entitlement has been shown. In any event, the complaint does not allege a violation of either the Constitution or federal law, nor does it provide a basis for diversity jurisdiction inasmuch as plaintiff and two of the defendants reside in Texas.

Accordingly, the complaint will be dismissed by separate Order issued contemporaneously.

Date: October 3, 2008


United States District Judge